

**ORIGINAL**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

20-CV-4723

MATSUMOTO, J.  
BLOOM, M.J.

Melinda Desmarattes

*(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

**-against-**

Consolidated Edison, Inc. d/b/a Consolidated Edison Company of New York, Inc.; LJ Ross Associates, Inc.; and Sunrise Credit Services, Inc.

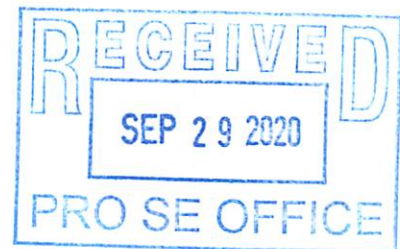
*(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

**Complaint for a Civil Case**

Case No. \_\_\_\_\_

*(to be filled in by the Clerk's Office)*

Jury Trial: ☒ Yes ☐ No  
*(check one)*



**I. The Parties to This Complaint**

**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Melinda Desmarattes
Street Address	414 47th St, Apt 2
City and County	Brooklyn, Kings County
State and Zip Code	NY 11220
Telephone Number	305-335-0526
E-mail Address	melindad72@gmail.com

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

**Defendant No. 1**

Name	Consolidated Edison, Inc. d/b/a Consolidated Edison Company of New York, Inc.
Job or Title	
Street Address	Four Irving Place, 9th Floor
City and County	New York City
State and Zip Code	New York, 10003
Telephone Number	1 (800)-752-6633
E-mail Address	

**Defendant No. 2**

<b>Name</b>	<b>LJ Ross Associates, Inc.</b>
<b>Job or Title</b>	
<b>Street Address</b>	<b>4 Universal Way, PO Box 6099</b>
<b>City and County</b>	<b>Jackson</b>
<b>State and Zip Code</b>	<b>Michigan, 49202</b>
<b>Telephone Number</b>	<b>800-446-9206</b>
<b>E-mail Address</b>	

**Defendant No. 3**

<b>Name</b>	<b>Sunrise Credit Services, Inc.</b>
<b>Job or Title</b>	
<b>Street Address</b>	<b>260 Airport Plaza</b>
<b>City and County</b>	<b>Farmingdale</b>
<b>State and Zip Code</b>	<b>New York, 11735</b>
<b>Telephone Number</b>	<b>800-208-8565</b>
<b>E-mail Address</b>	

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

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**B. If the Basis for Jurisdiction Is Diversity of Citizenship**

**1. The Plaintiff(s)**

**a. If the plaintiff is an individual**

The plaintiff, *(name)* \_\_\_\_\_, is a citizen of the State of *(name)* \_\_\_\_\_.

**b. If the plaintiff is a corporation**

The plaintiff, *(name)* \_\_\_\_\_, is incorporated under the laws of the State of *(name)* \_\_\_\_\_, and has its principal place of business in the State of *(name)* \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

**2. The Defendant(s)**

**a. If the defendant is an individual**

The defendant, *(name)* \_\_\_\_\_, is a citizen of

the State of *(name)* \_\_\_\_\_. Or is a citizen of  
*(foreign nation)* \_\_\_\_\_.

b. If the defendant is a corporation

The defendant, *(name)* \_\_\_\_\_, is  
incorporated under the laws of the State of *(name)*  
\_\_\_\_\_, and has its principal place of  
business in the State of *(name)* \_\_\_\_\_. Or is  
incorporated under the laws of *(foreign nation)*  
\_\_\_\_\_, and has its principal place of  
business in *(name)* \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an  
additional page providing the same information for each additional  
defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant  
owes or the amount at stake—is more than \$75,000, not counting interest  
and costs of court, because *(explain)*:

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**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as  
briefly as possible the facts showing that each plaintiff is entitled to the damages or other  
relief sought. State how each defendant was involved and what each defendant did that  
caused the plaintiff harm or violated the plaintiff's rights, including the dates and places  
of that involvement or conduct. If more than one claim is asserted, number each claim  
and write a short and plain statement of each claim in a separate paragraph. Attach  
additional pages if needed.

**Claim 1**

Consolidated Edison, Inc. d/b/a Consolidated Edison Company of New York, Inc. is a regulated utility providing electric and gas service in New York City.

Consolidated Edison, Inc. d/b/a Consolidated Edison Company of New York, Inc. Account Number XXXXXXXXXXXX0602.

Plaintiff brings this action for damages based upon Defendant's violation of the Fair Debt Collection Practices Act ("FDCPA") U.S.C. § 1692 and unlawful conduct.

1. The Defendant closed the Plaintiffs account in November 2015.
2. The Defendant sold the debt to two different collection agencies. Sunrise Credit Services, Inc. in September 2017 and LJ Ross Associates, Inc. December 2019.
3. Both collection agencies are listed on my national credit report at the same time.
4. Defendant has several billing and collections complaints on [www.bbb.org](http://www.bbb.org).
5. See attached Exhibit A and B.

As a result of the Defendant's conduct, actions and/or inactions, Plaintiff suffered damage by loss of credit, loss of ability to purchase and benefit from credit, increased interest rate, lost of mortgage loans, the mental and emotional pain, anxiety, anguish, humiliation and embarrassment of credit denials.

1. Plaintiff was denied loans because Defendants unlaw conduct.
2. Plaintiff suffered documented physical and emotional ailments due to the stress of the Defendants call to the Plaintiff's cell phone XXXXXX0526.
3. See attached Exhibit C.

**Claim 2**

LJ Ross Associates, Inc is a licensed debt collection agency organized under the laws of the State of Michigan.

LJ Ross Associates, Inc. Account Number XXXX7345

Plaintiff brings this action for damages based upon Defendant's violation of the Fair Credit Reporting Act ("FCPA") 15 U.S.C § 1681 and unlawful conduct.

1. The Defendant purchased the collection rights to the consumer debt in December 2019 from Consolidated Edison, Inc. d/b/a Consolidated Edison Company of New York, Inc.
2. The Consolidated Edison, Inc. d/b/a Consolidated Edison Company of New York, Inc account has been closed since November 2015.
3. Defendant falsely reported incorrect debt information to national credit reporting agencies including but not limited to, incorrect debt amount, account status, and status update.
4. The debt amount of \$1992 reported to national consumer reporting agencies by the Defendant is incorrect.
5. See attached Exhibit A.

Plaintiff brings this action for damages based upon Defendant's violation of the Fair Debt Collection Practices Act ("FDCPA") U.S.C. § 1692 and unlawful conduct.

1. In January 2020 (approximately) the Plaintiff started receiving calls to her cell phone from the Defendant in an effort to collect the debt.
2. During the calls the Defendant did not inform the Plaintiff that making a payment to LJ Ross Associates, Inc. would reage the debt which would make the contract invalid.
3. Plaintiff has been unfairly misled by the Defendant's actions.
4. Defendant has several billing and collections complaints on [www.bbb.org](http://www.bbb.org).
5. See attached Exhibit B.

As a result of the Defendant's conduct, actions and/or inactions, Plaintiff suffered damage by loss of credit, loss of ability to purchase and benefit from credit, increased interest rate, lost of mortgage loans, the mental and emotional pain, anxiety, anguish, humiliation and embarrassment of credit denials.

1. Plaintiff was denied loans because Defendants unlaw conduct.
2. Plaintiff suffered documented physical and emotional ailments due to the stress of the Defendants call to the Plaintiff's cell phone XXXXXX0526.
3. See attached Exhibit C.

**Claim 3**

Sunrise Credit Services, Inc is a licensed debt collection agency organized under the laws of the State of New York.

Sunrise Credit Services, Inc. Account Number XXXX8997.

Plaintiff brings this action for damages based upon Defendant's violation of the Fair Credit Reporting Act ("FCRA") 15 U.S.C § 1681 and unlawful conduct.

1. The Defendant purchased the collection rights to the consumer debt in September 2017 from Consolidated Edison, Inc. d/b/a Consolidated Edison Company of New York, Inc.
2. The Consolidated Edison, Inc. d/b/a Consolidated Edison Company of New York, Inc. account has been closed since November 2015.
3. Defendant falsely reported incorrect debt information to national credit reporting agencies including but not limited to, date account opened, incorrect debt amount, account status, and status update.
4. The debt amount of \$1992 reported to national consumer reporting agencies by the Defendant is incorrect.
5. See attached Exhibit A.

Plaintiff brings this action for damages based upon Defendant's violation of the Fair Debt Collection Practices Act ("FDCPA") U.S.C. § 1692 and unlawful conduct.

1. In September 2017 (approximately) the Plaintiff started receiving calls to her cell phone from the Defendant in an effort to collect the debt.
2. During the calls the Defendant did not inform the Plaintiff that making a payment to Sunrise Credit Services, Inc. would reage the debt which would make the contract invalid.
3. Plaintiff made a payment in December 2019 for \$142.32 to Defendant unaware that would reage the debt.
4. Plaintiff spoke to the Customer Representative in September 2020 who confirmed \$142.32 payment to Defendant.
5. Plaintiff has been unfairly misled by the Defendant's actions.
6. Defendant has several billing and collections complaints on [www.bbb.org](http://www.bbb.org).
6. See attached Exhibit B and D.



As a result of the Defendant's conduct, actions and/or inactions, Plaintiff suffered damage by loss of credit, loss of ability to purchase and benefit from credit, increased interest rate, lost of mortgage loans, the mental and emotional pain, anxiety, anguish, humiliation and embarrassment of credit denials.

1. Plaintiff was denied loans because Defendants unlaw conduct.
2. Plaintiff suffered documented physical and emotional ailments due to the stress of the Defendants call to the Plaintiff's cell phone XXXXXX0526.
1. See attached Exhibit C.

#### **IV. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

The defamation, conduct and actions/inactions of Consolidated Edison, Inc. d/b/a Consolidated Edison Company of New York, Inc.; LJ Ross Associates, Inc.; and Sunrise Credit Services, Inc. were willful, deliberate, intentional, and/or reckless disregard for the interest and rights of the Plaintiff such as to justify and award of compensatory, statutory and punitive damages against Defendant in an amount to be determined by the court.

#### **V. Certification and Closing**

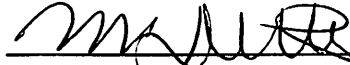
Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 9/26, 2020

Signature of Plaintiff



Printed Name of Plaintiff

Melinda Desmarattes

# Exhibit A

MELINDA DESMARATTES - Experian  
Date of Report: Aug 27, 2020



**L J ROSS ASSOCIATES IN**  
**216973XX**

**ACCOUNT DETAILS**

Account Name L J ROSS ASSOCIATES IN  
Account # 216973XX  
Original Creditor CON EDISON  
Company Sold -  
Account Type COLLECTION  
Date Opened Dec 31, 2019

**Account Status!**

Payment Status Seriously past due date / assigned to attorney, collection agency, or credit grantor's internal collection department

Status Updated Dec 2019

Balance \$1,992

Balance Updated Aug 17, 2020

Original Balance \$1,992

Monthly Payment -

Past Due Amount \$1,992

Highest Balance -

Terms 1 Month

Responsibility Individual

Your Statement -

Comments -

**CONTACT INFORMATION**

4 UNIVERSAL WAY  
JACKSON, MI 49202  
(800) 530-3790

**PAYMENT HISTORY**

**2020**  
Jan Feb Mar Apr  
May Jun Jul Aug  
Sep Oct Nov Dec

☒ Negative

☐ Data Unavailable

Summary

Accounts

Collections

Inquiries

Public Records

Credit Score

MELINDA DESMARATTES - Experian  
Date of Report: Aug 27, 2020



**SUNRISE CREDIT SERVICE**  
666370XXXXXXX

**ACCOUNT DETAILS**

Account Name **SUNRISE CREDIT SERVICE**  
Account # **666370XXXXXXX**  
Original Creditor **CONSOLIDATED EDISON**

Company Sold **-**  
Account Type **COLLECTION**

Date Opened **Apr 04, 2017**

Account Status! **-**

Payment Status **Seriously past due date / assigned to attorney, collection agency, or credit grantor's internal collection department**

Status Updated **Apr 2017**

Balance **\$1,992**

Balance Updated **Aug 22, 2020**

Original Balance **\$2,134**

Monthly Payment **-**

Past Due Amount **\$1,992**

Highest Balance **-**

Terms **Unknown**

Responsibility **Individual**

Your Statement **-**

Comments **-**

**CONTACT INFORMATION**

260 AIRPORT PLAZA BLVD  
FARMINGDALE, NY 11735  
(800) 645-9824

**PAYMENT HISTORY**

2020											
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☒ Negative

☐ Data Unavailable

Summary

Accounts

Collections

Inquiries

Public Records

Credit Score



FICO® SCORE 3B REPORT  
AS OF 8/27/2020

PREPARED FOR

**Melinda Desmarattes**

**Personal & Confidential**

*Please keep in a safe place for your records.*

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**TABLE OF CONTENTS**

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Report Summary  
FICO® Score 8  
Other FICO Score Versions  
Accounts  
Collections  
Public Records  
Inquiries  
Personal Info

**Consolidated Edison**

	<b>EQUIFAX</b>	<b>TRANSUNION</b>	<b>EXPERIAN</b>
<b>Account Number</b>	-	-	6663XXXXXXXXXX
<b>Original Lender</b>	-	-	Consolidated Edison
<b>Agency Name</b>	-	-	Sunrise Credit Service
<b>Date Assigned</b>	-	-	04/04/2017
<b>Original Balance</b>	-	-	\$2,134
<b>Current Balance</b>	-	-	\$1,992
<b>Responsibility</b>	-	-	Individual
<b>Status</b>	-	-	Account seriously past due date/account assigned to attorney, collection agency, or credit grantor's public collection department
<b>Comments</b>	-	-	-

**Con Edison**

	<b>EQUIFAX</b>	<b>TRANSUNION</b>	<b>EXPERIAN</b>
Account Number	XXXXXXX	XXXXXXX	XXXXXXX
Original Lender	Con Edison	10 Con Edison	Con Edison
Agency Name	168YC10622	Lj Ross	L J Ross Associates In
Date Assigned	12/31/2019	12/31/2019	12/31/2019
Original Balance	\$1,992	\$1,992	\$1,992
Current Balance	\$1,992	\$1,992	\$1,992
Responsibility	Individual	Individual	Individual
Status	Unpaid	Collection account	Account seriously past due date/account assigned to attorney, collection agency, or credit grantor's public collection department
Comments	-	Placed for collection	-



# Exhibit B

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complaints

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## Complaints

**Consolidated Edison  
Company of New  
York, Inc.**

Four Irving Place  
9th Floor  
New York, NY 10003

<http://www.conedison.com>

Email this Business

**Complaint Type:** Billing/Collection Issues    **Status:** Answered

07/27/2020

I called con Edison to see if they could send someone to check my residence. My bill was 400.00 for one month. I believe someone else may be connected to my meter. They refused to send someone to check.

**Response**

08/06/2020

\*\*\* \*\*\*\*\*

We hope that we addressed your concerns during the call. As we stated because of the Pandemic we have suspended field investigations that involve entering customer's homes. Please contact us for an appointment once we resume field investigations.

Thank you for the opportunity to address your concern.

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year i have been noticing spikes in my bill and con edison does have an answer. my recent bill was for more than \$450, for two people , once AC and time at home may be 6-8 hours max. and my brother is few houses down , with 6 ac and light on all day , with 3 kids and parents at home all day night, never exceed a three story home of \$300, i am being ripped of services i have not used and , extra charges added, when asked the rep. that stated , this is the expected bill and we are estimating , seriously in queens 2 people living in a small apartment of less than 700sqft , you are telling i am using more \$400 of electricity, when the first floor in the house pays seperately. I need answers and proof and refund of excess charges. during this time of pandemic, instead of being helpful, con ed is \*\*\*\*\* customers.

**Response**

08/11/2020

\*\*\* \*\*\*,

We were unable to reach you but we left a voicemail with our contact information.

A review of the account shows that the usage has been consistent for the past few years. The consumption is high on both floors at the premises. The uptick started in 2018. Perhaps a new heating/cooling system was installed at that time. The bills have been estimated since February, 2020. We hope to get a meter reading when we go out next week.

Thank you for the opportunity to address your concern.

**Complaint Type:** Billing/Collection Issues    **Status:** Answered

06/30/2020

my electric bill went from \$97 to \$224 month to month. i have a 2 bedroom apartment. I called up to see why my bill was increase. I noticed on the bills that the KW charges were 2-3 times as high on average per type of charge. after 20 minutes of arguing the rep on the phone slipped and said i was randomly selected to be apart of a pilot program. he determined my bill was \$50 higher due to this plan change. So basically ConEd changed my plan without telling or asking me so that my bill would be increase substantially, Honestly I feel I am owed more but I really dont know how to fight this issue. also how long this has been happening to me. this is a real problem to be doing this to customers while the unemployment rate is over 10% and people are losing their jobs left and right.

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We apologize for the inconvenience that the enrollment in our Smart Rate Program caused you. As our representative explained, you have been de-enrolled and a credit has been placed on your account for the difference of the bills.

Thank you for the opportunity to address your concern.

**Complaint Type:** Billing/Collection Issues    **Status:** Answered

06/24/2020

I have lived at this address for over a year now and all ConEd bills have been estimated bills. ConEd claims this is because they do not have access to the building to read the meters, but I have let in ConEd reps to the apartment multiple times to read the meters yet they are still estimated. Both the property owner and myself have contacted ConEd regarding this issue and no additional measures have been taken to modify the bills from estimated to actual. Due to ConEd's failure to mitigate this issue, myself and other tenants are incurring additional costs due to ConEd's failure to perform the services they are contracted to do.

**Customer Response**

06/24/2020

Clarifying this is ConEd in NYC and this can be transferred to them.



**Response**

07/27/2020

\*\*\* \*\*\*\*\*  
,

*As per our conversation, the AMI is being installed. Once we receive meter readings, your account will be adjusted with an actual reading. We hope that your additional questions were also answered.*

*Thank you for the opportunity to address your concern.*

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overcharged me for the month of March compared to February and February being much more colder. I called on April \*\* and spoke to Ms. T\*\*\*\*\* I advised her the situation and she advised me that her company has been just generating billing because no one was available to read the meters. THIS IS ABSOLUTELY NOT TRUE because no one came to our house first nor did they leave a door tag. She advised me that she would have an bill updated and sent to me within 2 to 3 business days. Of course, no bill was sent to my house within a week so, I called to follow up in 2 weeks and was told it was still not done. I spoke to Mr. R\*\*\*\*\* the supervisor on May \*\*\* and May \* when he advised me that the bill is still being updated and it would take 2 to 3 business days again. I've stressed the fact that Con Edison has been overcharging me for 3 years and he admitted as well that my Con Edison account was wrong and he does not understand why I have been overcharged and why I have been receiving separate bills and paying double the amount. I spoke to Mr. R\*\*\*\*\* on May \*\*\*\* and he was being extremely unprofessional and started giving me so much attitude and basically stating he cannot do anything. On May \*\*, Anthony C\*\*\*\*\* from the company emailed me the billing statements back from 2017, which adjusted credit amount of \$1,627.88. I called back on May \*\*\*\* to follow up as my prior conversation with Mr. R\*\*\*\*\* and spoke with Ms. S\*\*\*, who advised me that since Con Edison does not have my meter read for the month of May that I would have to wait until the \*\*\*\* or \*\*\*\* for the meter to be read. On May \*\*, I called Con Edison and spoke with Mr. L\*\*\*\* and provided him the gas and electric meters. I emailed him and he confirmed receipt of email. He advised me that the bills will be sent via first class mail within 2 or 3 business days. I called on June \*, 2020 to follow up again and spoke to Mr. F\*\*\*\*. I explained the situation again that the Con Edison was overcharging me and this is considered fraud. He stated that he spoke to an manager who was able to overwrite the credit refund check and updated billing and he advised me the total credit refund check that I will be receiving back in the mail payable to me is approximately \$682.00. I've requested for Mr. F\*\*\*\* to send me something in writing indicating the credit refund check will be mailed out on June \* at 12:00 A.M. and that the bill was updated and my credit balance was \$682.00. Till this date, I have not received anything in writing. I called back today June \*, and spoke to Mr. R\*\*\*\* who was extremely nasty and advised me that the bills are not updated nor generated. He clearly stated " Con Edison does not work like that and also there is nothing we can do except wait for bill". I've explained the story again and advised him that I've been dealing with the company since April and each representatives I speak to always are advising me different things. He also advised me that Mr. F\*\*\*\* whom I spoke with on June \*\*\* never updated the system so there is no record of me calling. Meanwhile, he provided me his email 7\*\*\*\*\*. Dealing with this company has been a nightmare. All they do is try to scheme your money and especially in a national pandemic, they are unwilling to help the situation. At this point, my patience level is extremely low and I cannot wait any longer. It is not right for them to keep a customer waiting for almost 2 months when told in the beginning that it would take 2 weeks max. This has been a major headache for me fighting with Con Edison.



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\*\*\* \*\*

We apologize for the inconvenience that the multiple billings and calls to our Call Center caused you. We have sent you a refund check and the account currently has a zero balance. There is a referral on the account to check your electric meter once we resume field investigations. You can provide meter readings on June \*\*\*\* so that you will be billed to actual readings. You can provide the readings online or by calling it in.

Thank you for the opportunity to address your concern.

**Customer Response**

07/02/2020

Better Business Bureau:

I have reviewed the response made by the business in reference to complaint ID \*\*\*\*\*, and find that this resolution is satisfactory to me and the matter has been resolved.

Sincerely,

\*\*\*\*\* \*\*

**Complaint Type:** Billing/Collection Issues    **Status:** Answered

05/14/2020

I have been involved in a billing dispute with ConEdison for almost nine months. Upon opening my present account effective August \*\*\* 2019, a "late fee" of \$244 and charge appeared for my previous account held at \*\*\* \*\*\*\*\* in Manhattan, which had been closed effective June \*\*\*, 2016, and was paid in full. Over the course of the more than three years since the closure of my Manhattan account, I had received no notice of past-due bills, nor collection notices, nor did said "late fee" appear on any credit reports. Upon seeing the "late fee" for the Manhattan account when my Brooklyn account was opened at the end of July, 2019, I contacted ConEdison to have them look into the matter. Their

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« Complaints

## Complaints

**LJ Ross Associates,**

4 Universal Way  
Jackson, MI 49202-1455

<http://www.ljross.com>

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04/11/2020

Upon paying the balance on account, company advised that they would remove from all 3 credit bureaus and it is still showing on all 3 credit bureaus



Response

04/13/2020

I reviewed the call recording and Ms. \*\*\*\*\* never asked about how the item would reflect on her credit report and was not told that the item would be removed from her credit report. LJRA has strict policies in place that do not allow the removal of a tradeline from a consumer's credit report in agreement for payment, or the removal of paid tradelines. LJRA is required by the FCRA and CFPB to report items "fairly and accurately", which includes the reporting of paid collection items. LJRA will not remove the tradeline from Ms. \*\*\*\*\*'s credit report. LJRA will continue to report as a paid collection item. LJRA is more than happy to speak in further detail with Ms. \*\*\*\*\* directly if she has any other questions or concerns. She may contact our office Monday through Friday, 8am to 7pm EST.

**Complaint Type:** Billing/Collection Issues    **Status:** Answered

04/05/2020

I found a derogatory note on my credit report from LJ \*\*\*\* and Associates for an alleged 5-year-old utility debt which I have not once been contacted about. LJ \*\*\*\* has never contacted me, despite my contact information remaining the same but has instead engaged in improper contacts without attempting to verify the alleged debt.



**Response**

04/06/2020

Mr. \*\*\*\*\* has also filed a complaint with the CFPB that LJRA has already responded to with information for Mr. \*\*\*\*\*. LJRA has requested the itemized statement from the original creditor and will send to Mr. \*\*\*\*\* with the required FDCPA debt validation information once received. LJRA requests Mr. \*\*\*\*\* contact our office directly at 1-844-348-1739, Monday through Friday from 8am to 7pm EST. LJRA is not able to disclose any information including personal information via third party portals such as the CFPB or BBB due federal and state laws, rules and regulations.

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**Better Business Bureau:**

I have reviewed the response made by the business in reference to complaint ID \*\*\*\*\*, and have determined that this proposed action would not resolve my complaint. For your reference, details of why I am rejecting this response appear below:

The debt collector's response is unsatisfactory. The debt collector's response also indicates the debt collector failed to verify the debt with its client, nor with me, prior to reporting this purported debt to a credit reporting agency.

Regards,

\*\*\*\*

**Complaint Type:** Billing/Collection Issues    **Status:** Resolved

01/16/2020

They are a debt collection agency. They have repeatedly called me at work looking for a different person. I called them and stated they are not legally allowed to call at work because they are a debt collection agency. I gave them the phone number and they said they are looking for a different person and would stop calling that number. They continue to call my work number looking for a different person and it is harassing.



**Response**

01/17/2020

*The consumer's complaint does not reference the telephone number of his employer that he states we are calling. As his complaint states that we are attempting to contact a wrong party at his work number, we are not able to pull up an account to review by his personal information given on the complaint. We request that the consumer please provide us with the telephone number that he states we have called so that we may locate the account, conduct a full investigation into his claims, remove the phone number as requested, and supply a full answer of the investigation's results to both Mr. \*\*\*\*\* and the BBB. Without this information, LJRA is not able to conduct an investigation nor provide an answer to this complaint.*

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gave the administrative assistant the phone numbers that would potentially come to my extension but they did not stop calling after she said they would be removed. I am listing them here again at their request: \*\*\*\*\*

Regards,

\*\*\*\*

**Complaint Type:** Billing/Collection Issues    **Status:** Answered

09/15/2020

Complaint Details Unavailable

**Complaint Type:** Billing/Collection Issues    **Status:** Answered

09/14/2020

Complaint Details Unavailable

**Complaint Type:** Billing/Collection Issues    **Status:** Answered

09/12/2020

Complaint Details Unavailable

**Complaint Type:** Billing/Collection Issues    **Status:** Answered

09/09/2020

Complaint Details Unavailable

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**Complaint Type:** Billing/Collection Issues    **Status:** Answered

08/19/2020

Complaint Details Unavailable

**Complaint Type:** Billing/Collection Issues    **Status:** Answered

08/10/2020

Complaint Details Unavailable

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Services, Inc.**

📍 260 Airport Plaza Blvd.  
Farmingdale, NY 11735-3946

🌐 <http://www.sunrisecreditservices.com>

✉ Email this Business

📞 (800) 208-8565

**Complaint Type:** Billing/Collection Issues    **Status:** Resolved

03/05/2019

Settled my account on \*\* February 2019 in the amount of \$4,949.78. Was informed to call back on \*\* February 2019, in which I did. On \*\* February 2019, I called Sunrise Credit Services and spoke to Lisa Jackson and made the following statement in order to receive the Settled in Full Letter showing 0 balance via email at \*\*\*\*\*: "I \*\*\*\*\* will not reverse the charges". Was informed the Settled in Full Letter showing 0 balance sent via email can take up to 1-2 business days. As of \* March 2019, I have not received the Settled in Full Letter showing 0 balance sent via email. Have made 6 attempts (Phone and Email) in trying to receive the Settled in Full Letter showing 0 balance sent via email. Even sent 3 emails to the manager (Angel O\*\*\*\*).

**Customer Response**

03/05/2019

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**Better Business Bureau:**

I have reviewed the response made by the business in reference to complaint ID \*\*\*\*\*, and find that this resolution is satisfactory to me and the matter has been resolved. The business resolved this matter today (\* March 2019).

Sincerely,

\*\*\*\* \*

**Complaint Type:** Billing/Collection Issues    **Status:** Resolved

12/05/2018

I contacted Sunrise Credit Service on 12/\*\*/2018 to settle an account that was placed with them by AT&T. I spoke with a representative and they cannot find the account in the system. I informed them that since they cannot find the account in their system through any means - my name, my old cellphone number, my address or my social security number then they should remove the negative mark from my credit report. The representative informed me that they cannot remove the notation and then transferred me to the supervisor Ashley J\*\*\*\*. Ms. J\*\*\*\* could not find me in the system either and informed me that AT&T may have pulled the account back but there was no way to know for sure. She also refused to agree to remove the negative notation from my credit report.



**Response**

12/21/2018

Very sorry for the delay. The email was hung up at our server filter which we have to protect data. Please see attached reply which was also sent via fax today.

**Customer Response**

12/28/2018

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Better Business Bureau:

I have reviewed the response made by the business in reference to complaint ID \*\*\*\*\*, and find that this resolution is satisfactory to me and the matter has been resolved.

Sincerely,

\*\*\*\*\*

**Complaint Type:** Billing/Collection Issues    **Status:** Resolved

09/02/2020

Complaint Details Unavailable

**Complaint Type:** Billing/Collection Issues    **Status:** Answered

08/04/2020

Complaint Details Unavailable

**Complaint Type:** Billing/Collection Issues    **Status:** Answered

08/02/2020

Complaint Details Unavailable

**Complaint Type:** Billing/Collection Issues    **Status:** Answered

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07/31/2020

Complaint Details Unavailable

**Complaint Type:** Billing/Collection Issues **Status:** Resolved

07/26/2020

Complaint Details Unavailable

**Complaint Type:** Billing/Collection Issues **Status:** Answered

07/13/2020

Complaint Details Unavailable

**Complaint Type:** Billing/Collection Issues **Status:** Resolved

07/06/2020

Complaint Details Unavailable

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# Exhibit C





Melinda &lt;melindad72@gmail.com&gt;

**Your recent loan request through Avant via LendingTree**

1 message

**Avant Support** <support@avant.mailgun.org>

Mon, Sep 23, 2019 at 10:57 PM

Reply-To: support@avant.com

To: melindad72@gmail.com

AVANT

## Thanks for applying for a loan through through Avant via LendingTree

**Unfortunately, we can't offer you a loan.** Though you may see an inquiry on your credit report, it cannot be seen by third parties and won't affect your credit score.

Hi, Melinda:

After a careful review of your application for a loan submitted on Sep 23, 2019 through through Avant via LendingTree, unfortunately we cannot provide you with the loan you inquired about at this time.

Avant branded credit products are issued by WebBank, so you may see a new inquiry from these institutions on your credit report. We assure you, the inquiry did not affect your credit score.

Your credit profile can change every 30 days, so we welcome you to re-apply and check your rate with us after this time.

**Want More Information?**

If you would like a statement of specific reasons why we were not able to offer a loan to you, please contact the Application Review Manager at the address or email shown below within 60 days of the date of this letter. We will provide you with the statement of reasons within 30 days after receiving your request.

WebBank c/o Avant  
Attn: Customer Support - Applications  
222 N. LaSalle St., Suite 1700  
Chicago, IL 60601  
support@avant.com  
800-712-5407

**Your Right to Get Your Consumer Report**

If we obtained information from a consumer reporting agency as part of our consideration of your application, the name, address, and toll-free telephone number of each consumer reporting agency is shown below. The reporting agency or agencies played no part in our decision and is unable to supply specific reasons why we have denied credit to you. You have a right under the Fair Credit Reporting Act to know the information contained in your credit file at each consumer reporting agency listed below. You have a right to a free copy of your report from each reporting agency listed below, if you request it no later than 60 days after you receive this notice. In addition, if you find that any information contained in the report or reports you received is inaccurate or incomplete, you have the right to dispute the matter with the applicable reporting agency. You can find out about the information contained in your file (if one was used) by contacting:

TransUnion LLC

2 Baldwin Place

P.O. Box 1000

Chester, PA 19016

Telephone: 1-800-888-4213

### **Information about Your Credit Score**

In addition to your credit report information, we also obtained your credit score from the consumer reporting agency listed below and used it in making our credit decision. Your credit score is a number that reflects the information in your consumer report. Your credit score can change, depending on how the information in your consumer report changes.

Your credit score: 639

Date: Sep 23, 2019

Scores range from a low of 300 to a high of 850

Key factors that adversely affected your credit score:  
Derogatory public record or collection filed, Too few accounts currently paid as agreed, Proportion of loan balances to loan amounts is too high, Number of accounts with delinquency, The number of inquiries on the consumer's credit file has adversely affected the credit score.

If you have any questions regarding your credit score, you should contact TransUnion LLC at 2 Baldwin Place, P.O. Box 1000, Chester, PA 19016, Telephone: 800-888-4213.

## Information Obtained from Third Parties

Additionally, our credit decision may have been based in whole or in part on information obtained from an affiliate or from an outside source other than a consumer reporting agency. Under the Fair Credit Reporting Act, you have the right to make a written request, no later than 60 days after you receive this notice, for disclosure of the nature of this information.

Sincerely,  
WebBank, Salt Lake City, Utah

## NOTICES:

### FEDERAL EQUAL CREDIT OPPORTUNITY ACT NOTICE

**Notice:** The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age (provided the applicant has the capacity to enter into a binding contract); because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The federal agency that administers compliance with this law concerning this creditor is:

FDIC  
Consumer Response Center  
1100 Walnut Street, Box #11  
Kansas City, MO 64106

**The Ohio laws against discrimination require that all  
creditors make credit equally available to all credit**

**worthy customers, and that credit reporting agencies maintain separate credit histories on each individual upon request. The Ohio Civil Rights Commission administers compliance with this law.**





Melinda &lt;melindad72@gmail.com&gt;

**Credit Decision Notification**

1 message

**LendingPoint-NoReply** <noreply@lendingpoint.com>  
To: "melindad72@gmail.com" <melindad72@gmail.com>

Sat, Dec 14, 2019 at 4:04 PM



December 12, 2019

Melinda Desmarattes  
414 47th Street  
Brooklyn, NY 11220

Dear Applicant:

You recently submitted a request to CreditkarmaAPI ("Referral Source") to see potential consumer loan options. At your instruction, the Referral Source sent your request to potential creditor(s) to determine if you qualify for a loan. FinWise Bank is one of the creditors that received your request, and LendingPoint LLC is one of our servicing agents.

After carefully reviewing your application, we are sorry to advise you that we cannot grant a loan to you at this time. If you would like to know the specific reasons why your application was denied, please contact our Customer Service Department shown below within 60 days of the date of this letter. We will provide you with the statement of reasons within 30 days after receiving your request.

FinWise Bank  
c/o LendingPoint LLC  
Customer Service Department  
1201 Roberts Blvd., Suite 200  
Kennesaw, GA 30144  
Telephone number: 844-885-8713

If we obtained or attempted to obtain information from a consumer reporting agency as part of our consideration of your application, its name, address, and toll-free telephone number is shown below. The reporting agency played no part in our decision and is unable to supply specific reasons why we have denied credit to you. You have a right under the Fair Credit Reporting Act to know the information contained in your credit file at the consumer reporting agency. You have a right to a free copy of your

report from the reporting agency, if you request it no later than 60 days after you receive this notice. In addition, if you find that any information contained in the report you received is inaccurate or incomplete, you have the right to dispute the matter with the reporting agency. You can find out about the information contained in your file by contacting:

TRANSUNION LLC  
2 Baldwin Place  
P.O. Box 1000  
CHESTER, PA 19016

Telephone number: (800) 916-8800

We also obtained or attempted to obtain your credit score from the consumer reporting agency and used it in making our credit decision. Your credit score is a number that reflects the information in your consumer report. Your credit score can change, depending on how the information in your consumer report changes.

☐ If this box is checked, we attempted to obtain your credit score, but no score was provided.

Your Credit Score: 610

Date: December 12, 2019

Scores range from a low of 300 to a high of 850.

Key factors that adversely affected your credit score:

Serious delinquency, and public record or collection filed

Proportion of loan balances to loan amounts is too high

Proportion of balances to credit limits on bank/national revolving or other

revolving accounts is too high

Too many accounts with balances

TOO MANY INQUIRIES

☐ If this box is checked, we were not provided any key adverse credit factors.

If you have any questions regarding your credit score, you should contact Transunion at:

Address: TRANSUNION LLC  
2 Baldwin Place  
P.O. Box 1000  
CHESTER, PA 19016

Telephone number: (800) 916-8800

☐ If this box is checked, our credit decision was based in whole or in part on information obtained from an affiliate or from an outside source other

than a consumer reporting agency. Under the Fair Credit Reporting Act, you have the right to make a written request, no later than 60 days after you receive this notice, for disclosure of the nature of this information.

Sincerely,

FinWise Bank  
c/o LendingPoint, LLC  
Customer Service Department

Notice: The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age (provided the applicant has the capacity to enter into a binding contract); because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The Federal agency that administers compliance with this law concerning this creditor is: FDIC Consumer Response Center, 1100 Walnut Street, Box #11, Kansas City, MO 64106.





Melinda &lt;melindad72@gmail.com&gt;

---

**243 PESHINE AVE**

Lou [REDACTED] <Lou.[REDACTED]@northpointe.com>  
To: Melinda <melindad72@gmail.com>

Tue, Aug 11, 2020 at 1:18 PM

The loan is not being approved due to not getting an approvable though Desktop Underwriter. I think this has to do with the decrease in credit score.

**Lou Garruto**

Branch Mgr., NMLS#3[REDACTED]

P: [REDACTED] | F: [REDACTED]

Lou [REDACTED]@northpointe.com

APPLY NOW | SECURE UPLOAD

9 Entin Road, Suite 200, Parsippany, NJ 07054 | [northpointe.com](http://northpointe.com)

**From:** Melinda <melindad72@gmail.com>  
**Sent:** Monday, August 10, 2020 1:38 PM  
**To:** Lou Garruto <Lou.Garruto@northpointe.com>  
**Subject:** Re: 243 PESHINE AVE

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

---

Hi Lou,

[REDACTED]  
Any update? My attorney really needs something in writing.

Best,

Melinda Desmarattes

Contact: 305.335.0526

# Medical Record

DESMARATTES, Melinda DOB: 03/18/1986 (34 yo F) Acc No. 344485 DOS:  
06/09/2020

### Progress Notes

**Patient:** Desmarattes, Melinda  
**Account Number:** 344485  
**DOB:** 03/18/1986 **Age:** 34 Y **Sex:** Female  
**Phone:**  
**Address:** 414 47th , Apt 2 , Brooklyn, NY-11220

**Provider:** Charlotte Noorollah, MD  
**Date:** 06/09/2020

### Subjective:

#### Chief Complaints:

1. HAIR LOSS (CROWN).

#### HPI:

##### Hair Loss:

HAIR LOSS 34 y/o female AA pt is here present with hair loss (crown) x 6 yrs. reports the hair loss is gradual and continuous. reports a little itchiness on the site. reports using tea tree oil with no improvement. pt would like the site checked. -BW

#### ROS:

Constitutional-overall health well. Dermatology, see HPI, no other skin complaints.  
Allergy- No food or environmental allergies.

#### Medical History:

**Surgical History:** Denies Past Surgical History.

**Hospitalization/Major Diagnostic Procedure:** Denies Past Hospitalization.

#### Family History:

NO FAMILY HX OF SKIN CANCER.

#### Social History:

no Smoking in Household.  
Familial Alcohol: yes, socially.  
no Recreational drug use in Household.  
Sunscreen use: yes.  
no At least 1 blistering sunburn.  
no Exposed to HIV.  
no Exposed to HEP A,B,C,D.

**Medications:** None

**Allergies:** N.K:D.A.

### Objective:

**Vitals:** Temp 97.8, Ht 5'4, Wt 130, BMI 25.39.

#### Examination:

##### General Examination:

General appearance: NAD, pleasant, well nourished and hydrated.

Neurologic exam: no focal signs, gait normal, age-appropriate orientation to time, place, and person.

#### Physical Examination:

##### Dermatologic Exam (1) (ICD-10):

Alopecia scarring- patches of hair loss with evidence of scarring located on CCCA - scarring

# Exhibit D



**Sunrise Credit  
Services, Inc.**

**260 Airport Plaza  
Farmingdale, N.Y. 11735  
844-791-1018  
Fax 631-501-8536**

**December 9, 2019**

**Melinda Desmarattes  
669 E 21 Street APT 2F  
Brooklyn, NY 11226**

**29648997  
Creditor: Consolidated Edison  
Balance Due: \$1,992.51  
Client Account Number: xxxxxxxxxxx-0602**

Dear Melinda Desmarattes,

Sunrise Credit Services has agreed to accept a temporary payment plan. It should be understood that this is temporary and the above account will be reviewed after the final payment. If the payments are not received by the agreed upon dates, this arrangement will be considered null and void.

\$142.32 due on or before 12/21/19	\$142.32 due on or before 03/21/20
\$142.32 due on or before 01/21/20	\$142.32 due on or before 04/21/20
\$142.32 due on or before 02/21/20	\$142.32 due on or before 05/21/20

If you have any further questions concerning your account, please feel free to call me at 1-844-791-1018.

Sunrise Credit Services, Inc.

Jose Farina

New York City Department of Consumer Affairs License #0902582

**This is an attempt to collect a debt. Any information obtained will be used for that purpose. This communication is from a debt collector.  
Please see reverse side for important information.**



VISIT US ON THE WEB: [WWW.SUNRISECREDITSERVICES.COM](http://WWW.SUNRISECREDITSERVICES.COM)

Pay your bill, free of charge, by using debit or ACH.

#### **AUTO PAY**

Use our free automated phone payment system at 1-866-298-9125, 24 hours a day, 7 days a week and pay with your check or debit card.

#### **SPEAK WITH A TRAINED REPRESENTATIVE**

Call us at our toll-free number to pay your bill, free of charge, by using debit or ACH.

ADDITIONAL OPTIONS TO PAY YOUR BILL ARE LISTED BELOW. PLEASE BE ADVISED, THE BELOW OPTIONS MAY BE SUBJECT TO A FEE. PLEASE INQUIRE WITH EACH BEFORE PROCEEDING.

#### ● **WESTERN UNION**

Call 1-800-238-5772 for the nearest location. Go to your nearest Western Union location (check cashing store, supermarket or pharmacy) and identify yourself as a "Quick Collect Customer". Include the following information on the "Quick Collect" form:

- Payable to: Sunrise Credit Services
- Code/Destination: Sunrise, NY
- Reference Number: Your Account Number

After paying the cashier, call our toll free number and give the representative your account number, amount paid, and money control number from the receipt the cashier gives to you. Within minutes, your account is paid.

#### ● **BANK WIRE**

\* \* Please make sure to reference your account number on any payment made.\* \*

#### **California**

The state Rosenthal Fair Debt Collection Practices Act and the Federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest, or by using obscene language. Collectors may not use false or misleading statements, or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities you may contact the Federal Trade Commission at 1-877-FTC-HELP or [www.ftc.gov](http://www.ftc.gov).

#### **Colorado**

A consumer has the right to request in writing that a debt collector or collection agency cease further communication with the consumer. A written request to cease communication will not prohibit the debt collector or collection agency from taking any other action authorized by law to collect the debt.

Our resident office in Colorado is located at 700 17<sup>th</sup> Street, Suite 200, Denver, Colorado 80202...Mon – Fri 8am – 5pm. Telephone Number: 866-436-4766. This office will accept payments and correspondence.

For information about the Colorado Fair Debt Collection Practices Act, see [WWW.COAG.GOV/CAR](http://WWW.COAG.GOV/CAR)

#### **Massachusetts**

##### **NOTICE OF IMPORTANT RIGHTS**

Our resident office in Massachusetts is located at (do not send correspondence or payments to this address) 49 Winter St. Weymouth, MA 02189. Mon. – Thur. 10am-3pm. You have the right to make a written or oral request that telephone calls regarding your debt not be made to you at your place of employment. Any such oral request will be valid for only ten (10) days unless you provide written confirmation of the request postmarked or delivered within seven (7) days of such request. You may terminate this request by writing to the debt collector.

#### **Minnesota**

This collection agency is licensed by the Minnesota Department of Commerce.

#### **New York**

If a creditor or debt collector receives a money judgment against you in court, state and federal laws may prevent the following types of income from being taken to pay the debt:

- 1) Supplemental security income, (SSI);
- 2) Social security;
- 3) Public assistance (welfare);
- 4) Spousal support, maintenance (alimony) or child support;
- 5) Unemployment benefits;
- 6) Disability benefits;
- 7) Workers' compensation benefits;
- 8) Public or private pensions;
- 9) Veterans' benefits;
- 10) Federal student loans, federal student grants, and federal work study funds; and
- 11) Ninety percent of your wages or salary earned in the last sixty days.

#### **Tennessee**

This collection agency is licensed by the Collection Service Board of the Department of Commerce and Insurance.

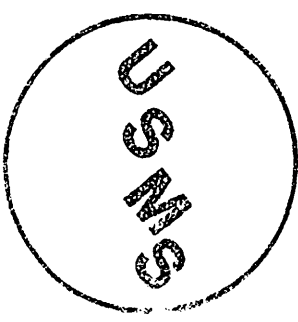
#### **Utah**

As required by Utah law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligations.

★ FILED ★

2020 SEP 29 AM 10:27

CLERK  
U.S. DISTRICT COURT  
E.D.N.Y.  
AFTER HOURS DROP BOX



Attn: Pro Se Dept